

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-14 are pending in the application, with 1 and 8 being the independent claims. Claims 1, 5, 8, and 12 are sought to be amended.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-14 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Azenkot, *et al*, U.S. Patent No. 7,050,419 (Azenkot). Applicants respectfully traverse this rejection.

Independent claim 1 is amended herein to recite, among other features, "forwarding said S-CDMA type UCD message to a modem operating in TDMA mode by said CMTS; [and] calculating a TDMA minislot size by said modem using S-CDMA parameters." The Azenkot patent does not teach or suggest of forwarding an S-CDMA type UCD message to a modem operating in TDMA mode, wherein S-CDMA parameters contained within the UCD message are used to calculate a TDMA minislot size.

The Azenkot patent is directed to a digital data receiver that is capable of receiving TDMA and S-CDMA bursts. The Azenkot patent describes "UCD messages [that] define the burst parameters such as the type of multiplexing (TDMA or SCDMA)"

to be used. (Azenkot, Col. 2, lines 1-3). The UCD messages, as described by Azenkot, are sent by a CMTS in response to a cable modem's request to transmit a burst. The CMTS will transmit TDMA parameters to a cable modem to receive a TDMA burst, and will similarly transmit SCDMA parameters to a cable modem to receive an SCDMA burst. (Azenkot, Col. 1, lines 55-67). As such, the Applicants have found no discussion within the Azenkot patent describing a method of forwarding an S-CDMA-type UCD message to a modem operating in TDMA mode, wherein S-CDMA parameters contained within the UCD message are used to calculate a TDMA minislot size.

Applicants respectfully submit that the Azenkot patent does not disclose or suggest each and every element in Applicants' claim 1. A claim is anticipated only if each and every element set forth in the claim is found in a single prior art reference. MPEP § 2131. Accordingly, for at least the aforementioned reasons, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested. Moreover, independent claim 8 is also patentable over Azenkot for reasons similar to those provided above.

Claims 2-7 depend from claim 1. Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments made with respect to claim 1, apply a fortiori to claims 2-7. Reconsideration and allowance is respectfully requested of claims 2-7.

As amended herein, claim 8 recites, among other features, "means for forwarding said S-CDMA-type UCD message to a modem operating in TDMA mode by said CMTS; [and] mean for calculating a TDMA minislot size by said modem using S-

CDMA parameters." As discussed with respect to claim 1, this element is not taught or suggested by the Azenkot patent.

Applicants respectfully submit that the Azenkot patent does not disclose or suggest each and every element in Applicants' claim 8. A claim is anticipated only if each and every element set forth in the claim is found in a single prior art reference. MPEP § 2131. Accordingly, for at least the aforementioned reasons, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested. Moreover, independent claim 8 is also patentable over Azenkot for reasons similar to those provided above.

Claims 9-14 depend from claim 8. Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments made with respect to claim 8, apply a fortiori to claims 9-14. Reconsideration and allowance is respectfully requested of claims 9-14.

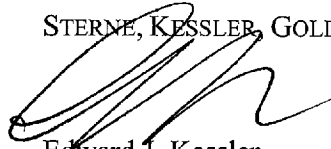
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward J. Kessler
Attorney for Applicant
Registration No. 25,688

Date: June 29, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

688672v1